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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 KAREEM J. HOWELL,

12 Plaintiff,

13 v.

14 MEDINA, et.al.,

15 Defendants.

) Case No.: 1:20-cv-00114-SAB (PC)

)
)
) ORDER DIRECTING CLERK OF COURT TO
) RANDOMLY ASSIGN A DISTRICT JUDGE TO
) THIS ACTION

)
) FINDINGS AND RECOMMENDATION
) RECOMMENDING DISMISSAL OF CERTAIN
) CLAIMS AND DEFENDANTS

16)
17) [ECF Nos. 12, 13]
18)

19 Plaintiff Kareem J. Howell is appearing *pro se* and *in forma pauperis* in this civil rights action
20 pursuant to 42 U.S.C. § 1983.

21 On February 4, 2020, the undersigned screened Plaintiff's complaint and found that Plaintiff
22 stated a cognizable retaliation claim against Defendants Medina, Bennett, J. Burnes, J. Navarro, A.
23 Randolph, and J. Gallagher. (ECF No. 12.) The Court granted Plaintiff leave to file an amended
24 complaint or notify the Court of intent to proceed only on the claim found to be cognizable. (*Id.*)

25 On February 20, 2020, Plaintiff filed a notice of intent to proceed on the retaliation claim found
26 to be cognizable and dismiss all other claims and Defendants. (ECF No. 13.) Accordingly, the Court
27 will recommend that this action proceed against Defendants Medina, Bennett, J. Burnes, J. Navarro,
28 A. Randolph, and J. Gallagher for retaliation in violation of the First Amendment , and all other claims

1 for relief be dismissed. Fed. R. Civ. P. 8(a); Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009); Bell Atlantic
2 Corp. v. Twombly, 550 U.S. 544, 555 (2007); Hebbe v. Pliler, 627 F.3d 338, 342 (9th Cir. 2010).

3 Based on the foregoing, the Court HEREBY ORDERS the Clerk of the Court to randomly
4 assign a Fresno District Judge to this action.

5 Furthermore, it is HEREBY RECOMMENDED that:

- 6 1. This action proceed against Defendants Medina, Bennett, J. Burnes, J. Navarro, A.
7 Randolph, and J. Gallagher for retaliation in violation of the First Amendment;
- 8 2. All other claims and Defendants be dismissed from the action; and
- 9 3. The Clerk of Court is directed to randomly assign a District Judge to this action.

10 These Findings and Recommendations will be submitted to the United States District Judge
11 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within **fourteen (14) days**
12 after being served with these Findings and Recommendations, Plaintiff may file written objections
13 with the Court. The document should be captioned "Objections to Magistrate Judge's Findings and
14 Recommendations." Plaintiff is advised that failure to file objections within the specified time may
15 result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
16 (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

17
18 IT IS SO ORDERED.

19 Dated: **February 21, 2020**


UNITED STATES MAGISTRATE JUDGE